



TMH/9/25/06 6947-73362-01 577620.doc NRS/CP6360143

IAP6 Rec'd PCT/PTO 27 SEP 2006

PATENT

Attorney Reference Number 6947-73362-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Doherty *et al.*

Application No. 10/568,055

Filed: February 10, 2006

Confirmation No. 3696

For: PROKARYOTIC DNA REPAIR LIGASES

Examiner:

Art Unit: 1645

Attorney Reference No. 6947-73362-01

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP MISSING PARTS COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney or Agent
for Applicant(s)

Date Mailed September 25, 2006

MAIL STOP MISSING PARTS
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

TRANSMITTAL LETTER

Submitted herewith for filing in the application referenced above are the following:

- ☒ Response to Notification of Missing Requirements, including:
 - ☒ Combined Declaration and Power of Attorney (12 pages total)
 - ☒ Copy of Notice to File Missing Parts of Application--Filing Date Granted
 - ☒ Sequence Listing Filing, including:
 - ☒ Paper Copy (17 pages)
 - ☒ Computer Readable Copy
 - ☒ Statement in Compliance (embedded in the Preliminary Amendment)
- ☒ Preliminary Amendment (to be entered before calculating fees)
- ☒ Information Disclosure Statement, Form 1449, and copies of four References
- ☒ Request for Refund

The fee has been calculated as shown below.

CLAIMS AS AMENDED					
For	No. after amendment	No. paid for previously	Present Extra	Rate	Fee
Total Claims	43	- 20*	= 23	\$50.00	\$1,150.00
Indep. Claims	8	- 3**	= 5	\$200.00	\$1,000.00
Search Fee				\$200.00	\$200.00
Examination Fee				\$400.00	\$400.00

Surcharge for Late Filing of Declaration	\$130.00	\$130.00
One-month Extension of Time	\$120.00	\$120.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT		\$3,000.00

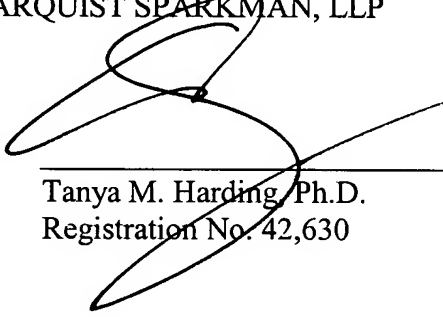
- ☒ The requested refund is for \$3360.00 for fees improperly charged with the initial filing of the application. Please process this Request for Refund before entering the fees due for this preliminary amendment. Total fees due with this preliminary amendment are \$3000.00. **After entry of the Request for Refund, the total amount requested to be refunded is \$360.00.**
- ☒ Please REFUND to our Deposit Account No. 02-4550 the amount of \$360.00.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By



Tanya M. Harding Ph.D.
Registration No. 42,630

cc: Docketing



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

SEP 27 2006

U.S. APPLICATION NUMBER NO.

10/568,055

FIRST NAMED APPLICANT

Aidan Doherty

ATTY. DOCKET NO.

6947-73362-01

INTERNATIONAL APPLICATION NO.

PCT/GB04/03349

I.A. FILING DATE

08/02/2004

PRIORITY DATE

08/12/2003

24197

KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

CONFIRMATION NO. 3696

371 FORMALITIES LETTER



OC000000019737183

Date Mailed: 07/25/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/10/2006
- Copy of the International Search Report filed on 02/10/2006
- Preliminary Amendments filed on 02/10/2006
- Oath or Declaration filed on 02/10/2006
- Request for Immediate Examination filed on 02/10/2006
- U.S. Basic National Fees filed on 02/10/2006
- Priority Documents filed on 02/10/2006

COPY

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- **\$130 Surcharge.**

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patent Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.

10/568,055

INTERNATIONAL APPLICATION NO.

PCT/GB04/03349

ATTY. DOCKET NO.

6947-73362-01

FORM PCT/DO/EO/905 (371 Formalities Notice)